

Attorney Docket No. TRNSV-001C  
#12IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Makower, et al. )  
 Application No.: 09/708,923 ) Art Unit: 3738  
 Filed: November 8, 2000 ) Examiner: Isabella, D.  
 For: Methods and Apparatus for Bypassing )  
 Arterial Obstructions and/or Performing )  
 Other Transvascular Procedures )

Mail Stop Non Fee Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

*Election  
 S. Bryce  
 10/27/03*

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 23, 2003

Dear Sir:

Applicant hereby responds to the election of species Office Action dated September 23, 2003, as follows:

Applicant provisionally elects, with traverse, to restrict the claims to the subject matter of Group II (first and second location on same blood vessel). Applicant believes that Claims 1-3, 9 and 16-19 read on the elected Group II.

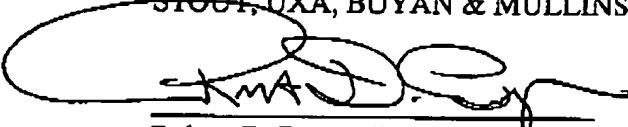
Applicant traverses the stated election-of-species requirement insofar as the examiner has indicated, on Page 2 of the Office Action, that *no* claims are currently generic. This is incorrect. Claims 1, 9 and 16-19 clearly read on all three of the enumerated species (i.e., Groups I, II and III). Thus, Claims 1, 9 and 16-19 are presently generic. Applicant respectfully requests that the Examiner correct this apparent oversight in the next office action or Notice of Allowability.

The Examiner is invited to contact Applicant's undersigned counsel to discuss any further measures that may be taken to facilitate prompt issuance of a Notice of Allowance.

No fee is seen to be due in connection with the filing of this response. However, in the event that any fee is properly deemed to be due, the Commissioner is hereby authorized to deduct such fee from Deposit Account No. 50-0878

Respectfully submitted,  
STOUT, UXA, BUYAN & MULLINS, LLP

Date: October 23, 2003

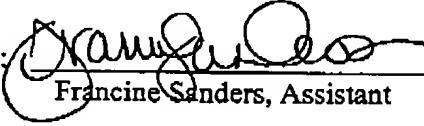
  
Robert D. Buyan, Reg. No. 32,460

4 Venture, Suite 300  
Irvine, California 92618  
voice: 949/450-1750  
fax: 949/450-1764

**CERTIFICATE OF MAILING**

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Francine Sanders, Assistant

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 JO ANNE M. YABABEN  
 LINDA ALLYSON FOX  
 KYLE D. YESLAND, Ph.D.  
 GREG S. HOLLIGERL, Ph.D.\*\*  
 LOUISE S. KEIM \*\*

LAW OFFICES OF  
**STOUT, UXA, BUYAN & MULLINS, LLP**

4 VENTURE, SUITE 300  
 IRVINE, CALIFORNIA 92618  
 (949) 450-1750  
 FACSIMILE: (949) 450-1764

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TRNSV-001C

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Re: U.S. Patent Application No. 09/708,923  
 Applicant: Makower, et al.  
 Title: Methods and Apparatus for Bypassing Arterial Obstructions and/or Performing Other Transvascular Procedures

From: Robert D. Buyan

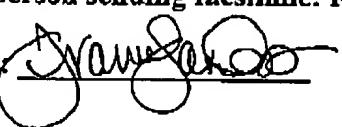
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Name of person sending facsimile: Francine Sanders, Assistant to Robert D. Buyan

Signature: 

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